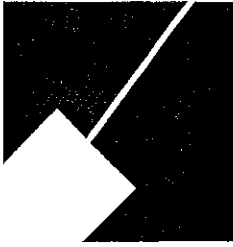


M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

MCPB
Item #9
11/15/01

MEMORANDUM

DATE: November 9, 2001
TO: Montgomery County Planning Board
VIA: Michael Ma, Development Review
FROM: Gregory Russ, Development Review

REVIEW TYPE: Special Exception
APPLYING FOR: Housing and Related Facilities for the Elderly
APPLICANT: Orchard Development Corporation
CASE NUMBER: S-2487
REVIEW BASIS: Chapter 59, Zoning Ordinance

ZONE: R-200
LOCATION: 12621 Old Columbia Pike
MASTER PLAN: Fairland

FILING DATE: March 8, 2001
PLANNING BOARD: November 15, 2001
PUBLIC HEARING: December 11, 2001 by Hearing Examiner

STAFF RECOMMENDATION: APPROVAL with the following conditions:

1. The applicant is bound by all submitted statements and plans.
2. A final Forest Conservation Plan for the proposed development must be approved by M-NCPPC prior to release of sediment and erosion control or building permit, as appropriate.
3. The proposed development must comply with Department of Permitting Services requirements for stormwater management. An approved Storm Water Management concept plan must be submitted to M-NCPPC prior to approval of the final Forest Conservation Plan.
4. The proposed development must comply with Chapter 50 (Subdivision Regulations) of the Montgomery County Code.
5. The landscape plan must be revised to show the following:

- a. The size of the proposed shade trees should be a minimum caliper of 2½" to 3".
- b. The portion of the northern boundary located adjacent to the parking lot courtyard areas should include a combination of shade trees, evergreen trees (a minimum of 7' to 8' in height) and shrubs (3' to 4' in height)

The revised landscape and lighting plan must be approved by M-NCPPC technical staff before issuance of any permits.

6. At the time of preliminary plan review, the proposed development must:
 - a. Dedicate 100 feet of right-of-way from the centerline of Columbia Pike (U.S. Route 29), pursuant to the Fairland Master Plan.
 - b. Place in reservation for future dedication, right-of-way, as determined by the Maryland State Highway Administration's (SHA) final design plan of the interchange of Columbia Pike and Randolph Road. This reservation should be in addition to the 100-foot dedication required by the Fairland Master Plan. If the additional right-of-way encroaches upon the required minimum building and parking setbacks from Route 29, the special exception must be revised. The modification must be approved by the Board of Appeals prior to issuance of any permits.
 - c. Coordinate with the Montgomery County Department of Public Works and Transportation (DPWT) to assure adequate access and sight distance for the site access from Old Columbia Pike.
 - d. Coordinate with SHA regarding their CTP Project No. MO6145170, US 29 (Columbia Pike) Interchange at Randolph Road.
 - e. Coordinate with DPWT regarding their Capital Improvement Program (CIP) Project No. 509953, to construct sidewalks along Old Columbia Pike, Phase II, from Randolph Road to Nalls Lane.

THE PROPOSAL

The applicant, Orchard Development Corporation, is requesting a special exception to construct housing for the elderly located along Old Columbia Pike (12621 Old Columbia Pike) and Columbia Pike (Route 29) in the Fairland Planning area. Access to the site will be from Old Columbia Pike, which is a state maintained public right-of-way.

Site - The site consists of approximately 4.3 acres of R-200 zoned land. It is located on the east side of Old Columbia Pike and the west side of Columbia Pike, north of East Randolph Road and south of Musgrove Road. The property is rectangular shaped, narrow with gentle slope from a high point on the east property boundary (Columbia Pike) at elevation 399 and a low point to the west contiguous to Old Columbia Pike at elevation 365. The subject property has approximately 235 feet of frontage on Old Columbia Pike and 245 feet along

Route 29. The property is currently undeveloped, mostly forested with mainly small trees, with the largest caliper trees located near Old Columbia Pike. No environmental features have been identified on the site.

Neighborhood Description – North of the subject site is unimproved property zoned R-200 and owned by the International Association of Machinists and Aerospace Workers. The site was approved as a union headquarters for the organization by special exception (BAS-1247) but was never constructed. South of the property is St. Mark's Episcopal Church which exists as a permitted use in the R-90 Zone. To the west of the subject site, across Old Columbia Pike, is Snowden's Mill Subdivision which includes single-family homes in the R-90 Zone. U.S. Route 29 is located to the east with single-family homes located across it and zoned R-90. At the intersection of Old Columbia Pike and East Randolph Road are County Park and Ride lots, Forcey Memorial Church and the Seventh Day Adventist headquarters. Other improvements at this intersection include the Fairland Animal Hospital, convenience stores and a gas station. To the north, at the intersection of Old Columbia Pike and Musgrove Road is a commercial area that includes the Holy Cross medical office/clinic and Verizon corporate headquarters.

Other approved special exceptions in the area include:

1. BAS-206 for an animal hospital and veterinary clinic approved on 3/29/73 and subsequent modifications BAS-206A approved on 8/23/89;
2. CBA-2107 for a modification to an automobile filling station on 12/6/66 and subsequent modifications CBA-2107-A heard on 7/1/85 and 1/7/98; and
3. BAS-906 for a medical clinic approved 6/14/85.

Elements of the Proposal - A summary of the applicant's statement is as follows:

The applicant is proposing to construct an 80-unit independent living apartment building. The structure will be two-stories and oriented to locate the shortest face (in terms of height and length) to the residential areas located to the west, across Old Columbia Pike, and to provide a visually pleasing façade to the south facing St. Mark's Church. The required parking is proposed to be located away from the existing residences to the west and from the church to the south and will be landscaped to create pocket parks within the courtyards. Entrance to the site is provided from Old Columbia Pike.

The building façade facing Old Columbia Pike will be styled as a manor house with a prominent front porch and with a cut flower garden for the residences, sitting areas and pedestrian trails between the building and Old Columbia Pike. Two inner courtyard areas are created by hiding the parking areas behind the Old Columbia Pike building frontage. The building has been designed to

complement the architecture of St. Mark's Church and buffer the residents from the traffic and noise associated with Route 29.

A walking trail with benches is proposed throughout the site and around the building and connects with the proposed County sidewalk to be located along Old Columbia Pike.

A total of 80 units are proposed in the two-story apartment building: 56 two-bedroom units (900 sq. ft. each) and 24 one-bedroom units (815 sq. ft. each). All residents must be 62 years or older and must be able to live independently. Development of the project will be aided by State and Federal tax credits and rental housing assistance from the County thereby allowing most of the units (up to 75% as negotiated with citizen groups) to be offered at below market rents.

Each apartment is equipped with a kitchen and there is a communal warming kitchen also available for the use of the residents. On-site amenities include a community room, a library, a living room with a fireplace, a multi-purpose room for social activities, lounges, SeniorNet access, secured private storage areas, van service, secured entrances and an exercise room.

Orchard management personnel will run the day-to-day operations on-site and will ensure that the grounds and buildings are well maintained and the resident's needs are addressed. The number of employees on-site at any one time will not exceed four and work schedules will be structured to avoid arrival and departures during the peak travel periods.

All doors will be electronically controlled, with residents being given pass keys to enter the building. There may also be closed circuit cameras monitoring the access points to the building and there will be 24-hour emergency service available to the residents.

Landscaping is proposed throughout the site including screening of parking, travel aisles and courtyards. Additionally, a combination of deciduous and evergreen vegetation is proposed along the perimeter of the property and within the front yard of Old Columbia Pike to soften the view of the building from adjacent residential properties. A condition has been included to require a revised landscape plan to reflect a combination of shade trees, 2 1/2" to 3" caliper, evergreen trees, a minimum height of 7' to 8', and shrubs, 3' to 4' in height, along that portion of the northern boundary adjacent to parking area courtyards.

The lighting plan depicts two types of light poles; one for lighting parking and vehicle areas that includes a single fixture with rear cut-off shields on 14-foot high poles; and one for lighting pedestrian areas that includes a single fixture on 10-foot high poles.

A Stormwater Management/Best Management Practices (SWM/BMP) facility is depicted along the Old Columbia Pike frontage of the site. The facility is proposed as a dry pond.

ANALYSIS

Master Plan - The site is situated in the 1997 Adopted and Approved Fairland Master Plan area. The Master Plan identified this property and two other adjacent parcels to the north as developable area, Area 28. The master plan noted that the parcels were zoned R-90 and recommended that the parcels be rezoned to R-200 in order to reduce the maximum density so that adequate buffers could be provided along Route 29 and to ensure compatibility with the existing residential development located across Old Columbia Pike. The properties were since rezoned to the R-200 zone with Sectional Map Amendment G-747.

Staff recommends approval of the proposed special exception based on the proposed use, the number of units and the layout are at a scale and density that is in conformance with the Fairland Master Plan. The proposed architectural details are in keeping with the existing single-family detached character of the neighborhood on the west side of Old Columbia Pike.

Transportation - The Transportation Planning Division staff has reviewed the subject application and finds that for Local Area Transportation Review (LATR), the proposed 80 units elderly housing facility would generate 3 trips and 4 trips during the AM and PM peak hours, respectively. Therefore a traffic impact study is not required to analyze the congestion levels at nearby intersections. For Policy Area Transportation Review, the current FY01 Annual Growth Policy (AGP) indicates that there is no capacity available for additional housing units in the Fairland/White Oak Policy Area. However, Policy Area Review would be satisfied under the AGP's "Ceiling Flexibility- De Minimis Impacts" section. A De minimus impact is when the existing and proposed land uses generate five or fewer new peak-hour trips during the morning and evening peak hours.

Access to the site is proposed at the northernmost boundary along Old Columbia Pike. The proposed access and the internal site circulation appear adequate. A sidewalk location is shown along the Old Columbia Pike frontage per County Capital Transportation Program Project No. 509953. A condition has been provided by staff that requires coordination with the County Department of Public Works and Transportation (DPWT) regarding adequate access and sight distance and sidewalk location along this frontage.

State Highway Administration Project No. MO6145170, US 29 (Columbia Pike) Interchange at Randolph Road proposes additional right-of-way acquisition along the Columbia Pike frontage of the subject site beyond the 100 feet from centerline as required in the Fairland Master Plan. A condition has been included that requires the applicant to provide a reservation area to

accommodate the right-of-way request at the time of preliminary plan review. Although the Transportation Planning Division review states that a 78-foot wide area should be reserved, the SHA has not determined the actual width. Should the requested reservation be greater than the available property shown on the special exception plan, the special exception must be slightly modified.

Environmental – The Environmental Planning Division staff has reviewed the subject application and offers the following comments. This site is located in the Snowden’s Mill sub-watershed of the Paint Branch watershed. The subject application is subject to the Forest Conservation Law. The Natural Resources Inventory and a Preliminary Forest Conservation Plan (FCP) have been approved for this project.

As a condition of approval, a final Forest Conservation Plan must be approved prior to release of sediment and erosion control or building permit, as appropriate. Additionally, an approved Storm Water Management concept plan must be submitted to M-NCPPC, CWP, Environmental Unit prior to approval of the final Forest Conservation Plan.

Subdivision - The subject property is not recorded by plat of subdivision. The use will require approval of a preliminary plan of subdivision to conform to Chapter 50 of the Montgomery County Code.

Community Comments- Appendix 1 includes four letters (President, Stonecrest/Woodcrest Civic Association; Chairman, Fairland Master Plan Citizens Advisory Committee; President, Oakvale Estates Citizens Association; and President, Fairland Citizens Coalition) that express support for the proposed elderly housing development. All of the letters express support for the two-story, “manor house” front façade with the parking location within courtyards hidden from the residences. Additionally, each preferred the affordable housing for seniors through the federal tax credit rather than the traditional subsidized or County low-income housing and the reservation of 25% of the units as market rate units.

Compliance with Specific and General Special Exception Provisions - Staff has reviewed the application for compliance with all applicable special exception provisions and finds the following:

Sec. 59-G-2.35. Housing and related facilities for elderly or handicapped persons.

Below is a table depicting the development standards per Zoning Section 59-G-2.35.

Development Standard		
Standard	Required/Permitted	Provided
Minimum Net Lot Area	1.5 acres	4.30 acres
Minimum setbacks: From street	40 feet (height < 50 ft.)	186 from Old Columbia Pike; 126 from Route 29
Minimum building setbacks: From Sides	25 feet	25 feet
Maximum Building Height	50 feet	35 feet
Maximum Lot Coverage	25%	25%
Maximum Density	Not applicable	80 units
Parking Provisions	61 spaces per 30% credit for moderate income housing (20%) and shuttle bus service (10%)	63 spaces
Minimum Parking lot setback from adjoining property	12 feet, minimum of both sides of 25 feet	12 feet

A special exception may be granted for housing and related facilities for elderly or handicapped persons, subject to the following provisions:

- (a) Prerequisites for granting:
 - (1) A minimum of 10 percent of the dwelling units is permanently reserved for households of very low income, or 20 percent for households of low income, or 30 percent for households of MPDU income. If units are reserved for households of more than one of the specified income levels, the minimum percentage must be determined by agreement with the Department of Housing and Community Affairs in accord with Executive regulations. Income levels are defined as follows:
 - (A) "MPDU income" is the income limit determined by the Department of Housing and Community Affairs in the administration of the moderately priced dwelling unit (MPDU) program, as prescribed by chapter 25A.
 - (B) "Low income" is income at or below 60 percent of the area median income adjusted for household size.

- (C) "Very low income" is income at or below 50 percent of the area median income adjusted for household size.
- (D) "Area median income" is as determined annually by the U.S. Department of Housing and Urban Development.

The applicant proposes that a maximum of 75% of the units will be rented at affordable levels as determined by HUD and Maryland Community Development Administration with 20 units designated for very low income, 20 units for almost as low, and 20 units at 50% of the median.

- (2) Taking into account the size of the units, the services to be provided, the income levels to be served, and the location of the site, there is a need for such use because:
 - (A) There is an insufficient amount of such housing and facilities to serve the existing population of the County, and
 - (B) The need for such housing and facilities cannot be met by development in accordance with development standards not requiring a special exception.

In making this finding, the Board must consider demographic data, including projections and analyses provided by the Planning Board and county government, as well as evidence provided by parties to the case. Such data will be evaluated by the technical staff of the Planning Board.

The Research Division staff has reviewed the applicant's need study in the context of several studies generated by M-NCPPC staff, primarily the report of "Need for Housing For Older Adults in Montgomery County, May 2001. The complete Research Division staff memo and staff study is attached as Appendix 2.

The applicant's analysis demonstrates the proximity of the project site to various services and amenities desired by older residents. The project's unit mix, with its emphasis on two-bedroom units, is consistent with the Department of Park and Planning's Research and Technology Center findings about the unit type preferences and needs of older residents. The services to be offered, including van service,

educational classes, and regular interaction with children, are desirable and appropriate.

The crucial finding is that there is need for the units to serve citizens of the County with incomes at the targeted levels. Twenty units are designated for very low income households, those at 30 percent of median income; 20 units for almost as low income, households with incomes up to 40 percent of median; and 20 units for households at 50 percent of median. All 60 of these units will serve households whose incomes make it very difficult for them to find appropriate housing. The remaining 20 units will lease at market rents, a small increase in the reasonably well-supplied market rate senior rental stock.

The units targeted for households with incomes of 50 percent of median and below have the greatest needs since few can find housing they can afford in the open market. The housing they do find is not always fully adequate in terms of condition, location, and other arrangements. The affordable units currently in the County's pipeline of approved development are primarily Low Income Housing Tax Credit projects geared toward households at about 60 percent of median. This group is already better served than those below 50 percent of median. The additional 10 percent means that most can afford a number of market choices, albeit not the newest or most luxurious. Only Andrew Kim House is expected to serve the same income range.

The applicant's report of HOC's waiting list for older residents is particularly compelling. If all of the affordable units in the pipeline and Selborne House are built, they will not accommodate all of the households on the waiting list. HOC is not currently building any new senior housing, and subsidized apartment turnover is too slow to absorb a large part of the waiting list. Therefore, this information alone indicates need for the proposed project.

The applicant's penetration analysis is acceptable. Generally, the data used are consistent with Park and Planning data. Assuming 40 percent of income for housing is unfortunate but represents reality for many lower income households. Some of those at the lowest levels, particularly those with incomes at 30 and 40 percent of median income, may be relieved to spend "only" 40 percent of income for housing. The 1997 Census Update Survey shows that more

than 18 percent of all renter households headed by someone age 65 and older spend more than 50 percent of income for housing.

A 15 percent penetration rate for senior housing is high but reasonable, given the limited choices for these lower income groups.

- (3) The proposed use will not produce adverse effects on the use or development of the surrounding area because of noise, traffic, type of physical activity or any other reason.

Staff concludes, with conditions, that the proposed use will not produce adverse effects on the use or development of the surrounding area due to noise, traffic or physical activity. Traffic and noise associated with this use are minimal. Any outdoor activities would include walking trails and gardening, both consistent with any residential uses. The proposed architecture and landscaping establishes a residential compatibility with the surrounding residential area.

- (4) The site or the proposed facility has adequate accessibility to public transportation, medical services, shopping areas, recreational and other community services frequently desired by elderly or handicapped persons.

The site has adequate accessibility to the nearby shopping areas and recreational and community facilities. A shuttle-bus service is proposed for the elderly facility.

- (5) The site or the proposed facility is reasonably well protected from excessive noise, air pollution and other harmful physical influences.

The proposed use will be reasonably protected from the above-cited criteria.

- (b) Occupancy of a dwelling unit is restricted to the following:

- (1) An elderly or handicapped person, as defined in section 59-A-2.1;
- (2) The spouse of an elderly or handicapped resident, regardless of age or handicap;

- (3) A resident care-giver, if needed to assist an elderly or handicapped resident; or
- (4) In a development designed primarily for handicapped rather than elderly persons, the parent, daughter, son, sister or brother of a handicapped resident, regardless of age or handicap.

Additional occupancy provisions are:

- (5) Age restrictions must comply with at least one type of exemption for housing for older persons from the familial status requirements of the federal "Fair Housing Act," Title VIII of the Civil Rights Act of 1968, and subsequent amendments thereto. (In that Act, "familial status" refers to discrimination against families with children.)
- (6) Resident staff necessary for operation of the facility are also allowed to live on site.

The residents of this use will meet the definition for elderly persons contained in the Zoning Ordinance.

- (c) Development standards, other than density, in residential zones where allowed by special exception, except R-30, R-20, R-10 and R-H:

- (1) Minimum net lot area: 1 ½ acres, but not less than the minimum net lot area specified by the relevant zone.

The application satisfies this requirement as the site is approximately 4.3 acres and the minimum lot size in the R-200 zone is 20,000 square feet..

- (2) Minimum setbacks:

- (A) From street: 50 feet. Except for an access driveway, this must be maintained as green area. However, if development does not exceed the height limit of the applicable one-family zone, the minimum setback specified in the zone applies.

As shown on the submitted site plan, the use will be setback 186 feet from Old Columbia Pike and 126 feet from Columbia Pike, which meets the minimum 40-foot setback requirement.

- (B) From side and rear lot lines: 25 feet or as specified by the relevant zone, whichever is greater.

For the proposed use, the proposed building will be setback 25 feet from the southern, side lot line and ___ along the northern, side lot line. The property is deemed a through lot because it has frontage on two streets, thus there is no rear yard.

- (3) Maximum building height: 20 feet, provided the following height-to-setback ratio is achieved for heights above the maximum prescribed by the applicable zone:

- (A) Rural Cluster, Rural, RE-2, REC, RE-1, R-200, R-150 zones: One foot of height is allowed for each one foot of setback from the side and rear lot lines, up to a height of 50 feet. Between 50 and 120 feet of height, one additional foot of height is allowed for each additional 2 feet of setback beyond the minimum side and rear yard setbacks prescribed by paragraph (2)(b), above.

The height for the proposed elderly housing building is 35 feet. The height in the R-200 Zone is 50 feet.

- (B) R-90, R-60, R-40, RT.-12.5, RT.-8, RT.-6 zones: 35 feet, except that, between 35 and 120 feet of height, one additional foot of height is allowed for each additional 2 feet of setback beyond the minimum side and rear yard setbacks prescribed by paragraph (2)(B), above.

Not applicable.

- (C) The Board may approve a reduction in the setback requirement of paragraph (3)(A) or (B) from a property line that abuts existing development constructed to a height of at least 50 feet or if the property possesses severe topography or other natural features that would permanently screen the building from neighboring one-family dwellings.

The applicant is not seeking a waiver to this setback requirement.

- (4) Maximum lot coverage: As specified by the relevant zone, provided the coverage complies with the setback requirements of paragraphs (c)(2) and (3) of this section.
- (d) Development standards, other than density, in the R-30, R-20, R-10 and R-H zones are as specified by the relevant zone in section 59-C-2.41, except that lot coverage and building setbacks may be modified as specified in section 59-C-2.42 concerning standards for moderately priced dwelling units.

Lot coverage in the R-200 zone is 25%. The elderly housing use proposes lot coverage of 25%.

(e) Maximum density:

- (1) In the Rural, Rural Cluster, RE-2, RE-2C, RE-1, R-200, R-150, R-90, R-40, RT.-6, RT.-8, RT.-10, and RT.-12.5 zones, the number of units is governed by the overall size of the building as determined in accordance with the combined height and setback standards specified by paragraphs (c)(2) and (3) of this section. Minimum unit size is governed by the minimum space and other relevant standards of chapter 26, title "Housing Standards," of this Code, as amended.

The applicant's attorney has indicated that the units will conform to the minimum standards for unit sizes as specified in Chapter 26 of the County Code.

- (2) In the R-30, R-20, R-10 and R-H zones, the number of dwelling units permitted by the density specified for the zone by section 59-C-2.41, title "Standard Method of Development," may be increased by 1 ½ units for each unit reserved for a household of MPDU, low or very low income, as defined in paragraph (a)(1) of this section.

Not applicable.

(f) Parking and loading:

- (1) Parking must be provided in accordance with the provisions of section 59-E-3.7, title, "Schedule of Requirements." The Board of Appeals must require adequate scheduling and long-term continuation of any services for which parking credits are granted in accordance with section 59-E-3.33(b) and may require additional parking for any facilities and

services provided in accordance with paragraph (g)(2) of this section, if they serve nonresident elderly or handicapped persons. When considering the need for additional parking the Board may consider the availability of nearby public or private parking facilities.

The use will require 86 parking spaces based on 24-one bedroom units and 56-two bedroom units. The applicant is proposing 60 units that will be designated as affordable units in the proposed building. Under Section 59-E-3.33 of the Zoning Ordinance, the applicant is allowed a 20% reduction in required parking spaces for the provision of affordable units and a 10% reduction for the shuttle bus service. After this reduction is taken, the proposed use would require 61spaces. The applicant is providing 63 parking spaces for this use and has satisfied this requirement.

- (2) Loading areas to serve any facilities, such as kitchens or retail stores, requiring truck deliveries must be screened so as not to be visible from any lot line abutting or confronting land in a one-family residential zone.

There are no facilities proposed that require loading areas, such as kitchens or retail establishments. The applicant has submitted a conceptual landscape and lighting plan for the site. This plan shows landscaping along lot lines abutting and confronting the site. Three existing mature trees will be saved along the Old Columbia Pike frontage (per SHA road improvement project) to complement the proposed combination of deciduous and evergreen vegetation. The landscaping along the western and northern lot lines, abutting the existing and potential residential areas, will mitigate views from these properties of the enclosed dumpster and any other deliveries to the building. A condition has been included to require a revised landscape plan to reflect a combination of shade trees, 2 1/2" to 3" caliper, evergreen trees, a minimum height of 7' to 8', and shrubs, 3' to 4 ' in height, along that portion of the northern boundary adjacent to parking area courtyards. With the conditions, staff finds the submitted landscaping and lighting plan acceptable as it adequately addresses compatibility along the adjacent residential properties and the church located to the south. Screening of the parking area located east of the building is also provided. This plan also shows foundation plantings around the proposed building and parking areas.

(g) Additional provisions:

- (1) One or more of the following ancillary facilities and services may be included to serve the residents and possible nonresident elderly or handicapped persons. The Board may restrict the availability of such services to nonresidents and specify the manner in which this is publicized.
- (A) Provision for on-site meal service;
 - (B) Medical or therapy facilities or space for mobile medical or therapy services;
 - (C) Nursing care;
 - (D) Personal care services;
 - (E) Day care for elderly or handicapped persons;
 - (F) On-site facilities for recreation, hobbies or similar activities; or
 - (G) Transportation to such off-site facilities and services as shopping, religious, community or recreational facilities, or medical services.

The applicant's statement of justification lists several ancillary services, such as, on-site recreational and educational activities, personal care services, and transportation to off-site services that will be available to residents of the proposed use.

- (2) Retail facilities may be included to serve exclusively the residents of the building.

There are no retail facilities proposed under this application.

- (3) The application must contain a vicinity map showing major thoroughfares, public transportation routes and stops, and the location of commercial, medical, and public services within a one mile radius of the proposed facility.

The applicant has submitted such a map.

- (4) Construction is subject to all applicable federal, state and county licenses or certificates.

Licenses and certificates will need to be obtained by the applicant prior to the issuance of building permits.

- (h) Provisions governing facilities approved prior to March 7, 1990.

- (1) A housing facility for elderly or handicapped persons existing on March 7, 1990 or for which a petition was approved prior to March 7, 1990 is not a nonconforming use, and may be continued in accordance with the terms and conditions of the special exception grant. Modifications may be approved by the Board of Appeals that are in compliance with the special exception standards in effect prior to March 7, 1990, except that modifications affecting height, density, or setbacks must be in compliance with the special exception standards that became effective on March 7, 1990. If damaged, the facility may be rebuilt, repaired and/or reconstructed.
- (2) A housing facility for elderly or handicapped persons existing on March 7, 1990 or for which a petition was approved prior to March 7, 1990, located on property containing at least 85 acres of land, may be extended, enlarged, or modified in accordance with the special exception standards in effect prior to March 7, 1990.

Not applicable.

Sec. 59-G-1.2. Conditions for granting a special exception.

59-G-1.2.1. Standard for evaluation. A special exception must not be granted absent the findings required by this Article. In making these findings, the Board of Appeals, Hearing Examiner, or District Council, as the case may be, must consider the inherent and non-inherent adverse effects of the use on nearby properties and the general neighborhood at the proposed location, irrespective of adverse effects the use might have if established elsewhere in the zone. Inherent adverse effects are the physical and operational characteristics necessarily associated with the particular use, regardless of its physical size or scale of operations. Inherent adverse effects alone are not a sufficient basis for denial of a special exception. Non-inherent adverse effects are physical and operational characteristics not necessarily associated with the particular use, or adverse effects created by unusual characteristics of the site. Non-inherent adverse effects, alone or in conjunction with the inherent effects, are a sufficient basis to deny a special exception.

The inherent adverse characteristics of the proposed housing for the elderly would be the size and scale of the proposed building, the amount of impervious surface for driveways and parking areas and its effects on stormwater management, lighting, the institutional design, scale and bulk of the building. Operational characteristics may include personal care services, retail facilities, and on-site kitchens providing meal services.

Staff finds that the physical and operational characteristics of the proposed use are no different than what is normally associated with housing for the elderly facilities. With the subject special exception application, the building design, scope of services provided and the landscaped screening along the boundaries and around the building may minimize the inherent adverse effects that are often associated with this type of use. Given the submitted plans, and the applicant's statement of operations and other submitted documentation, staff does not find any non-inherent effects related to this special exception.

59-G-1.21. General conditions.

(a) A special exception may be granted when the Board, the Hearing Examiner, or the District Council, as the case may be, finds from a preponderance of the evidence of record that the proposed use:

(1) Is a permissible special exception in the zone.

The proposed use is allowed in the R-200 zone.

(2) Complies with the standards and requirements set forth for the use in Division 59-G-2. The fact that a proposed use complies with all specific standards and requirements to grant a special exception does not create a presumption that the use is compatible with nearby properties and, in itself, is not sufficient to require a special exception to be granted.

The proposed application complies with the standards and requirements for housing for the elderly under Section 59-G-2.35 of the Zoning Ordinance.

(3) Will be consistent with the general plan for the physical development of the District, including any master plan thereof adopted by the Commission. Any decision to grant or deny special exception must be consistent with a recommendation in an approved and adopted master plan regarding the appropriateness of a special exception at a particular location. If the Planning Board or the Board's technical staff in its report on a special exception concludes that the granting a particular special exception at a particular location would be inconsistent with the land use objectives of the applicable master plan, a decision to grant the special exception must include specific findings as to master plan consistency.

The subject property is covered by the 1997 Fairland Master Plan. The Master Plan supports and recommends the existing R-200 zone for the property and housing for the elderly is allowed by special exception in that zone.

- (4) Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions and number of similar uses.

The proposed use will be in harmony with the general character of the neighborhood when considering these criteria. The structure will be two-stories and oriented to locate the shortest face (in terms of height and length) to the residential areas located to the west, across Old Columbia Pike, and to provide a visually pleasing façade to the south facing St. Mark's Church.

- (5) Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood at the subject site irrespective of any adverse effects the use might have if established elsewhere in the zone.

The proposed use is residential in nature and will not have a detrimental effect for any of these reasons.

- (6) Will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.

The proposed use will not cause adverse effects with respect to any of these criteria.

- (7) Will not, when evaluated in conjunction with existing and approved special exceptions in any neighboring one-family residential area, increase the number, intensity, or scope of special exception uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area. Special exception uses that are consistent with the recommendations of a master or sector plan do not alter the nature of an area.

The proposed special exception will not increase the number, intensity, and scope of the approved special exceptions in the area.

- (8) Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area at the subject site, irrespective on any adverse effects the use might have if established elsewhere in the zone.

The proposed special exception will not cause any of these effects.

- (9) Will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public facilities.

- (i) If the special exception use requires approval of a preliminary plan of subdivision, the adequacy of public facilities must be determined by the Planning Board at the time of subdivision review. In that case, subdivision approval must be included as a condition of the special exception.

At the time of subdivision, the adequacy of public facilities will be addressed by the Planning Board.

- (ii) With regard to findings relating to public roads, the Board, the Hearing Examiner or the District Council, as the case may be, must further determine that the proposal will have no detrimental effect on the safety of vehicular or pedestrian traffic.

The adequacy of public roads with respect to vehicular and pedestrian traffic will be addressed by the Planning Board at the time of subdivision. The U.S. Route 29 improvement project proposes to acquire additional land beyond that required in the master plan along the subject site's eastern boundary. According to SHA, the engineering has not been completed for the project. Therefore, a reservation width has not been established. Staff recommends that the reservation be established at the time of preliminary plan review.

Conclusion - Staff recommends approval of the submitted special exception with conditions stated on pages 1 and 2 of this report.

VICINITY MAP FOR
SPECIAL EXCEPTION S-2487



Map compiled on November 06, 2001 at 10:56 AM | Site located on base sheet no - 216NE03

NOTICE

The planimetric, property, and topographic information shown on this map is based on copyrighted Map Products from the Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without written permission from M-NCPPC.

Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue - Silver Spring, Maryland 20910-7160

Key Map



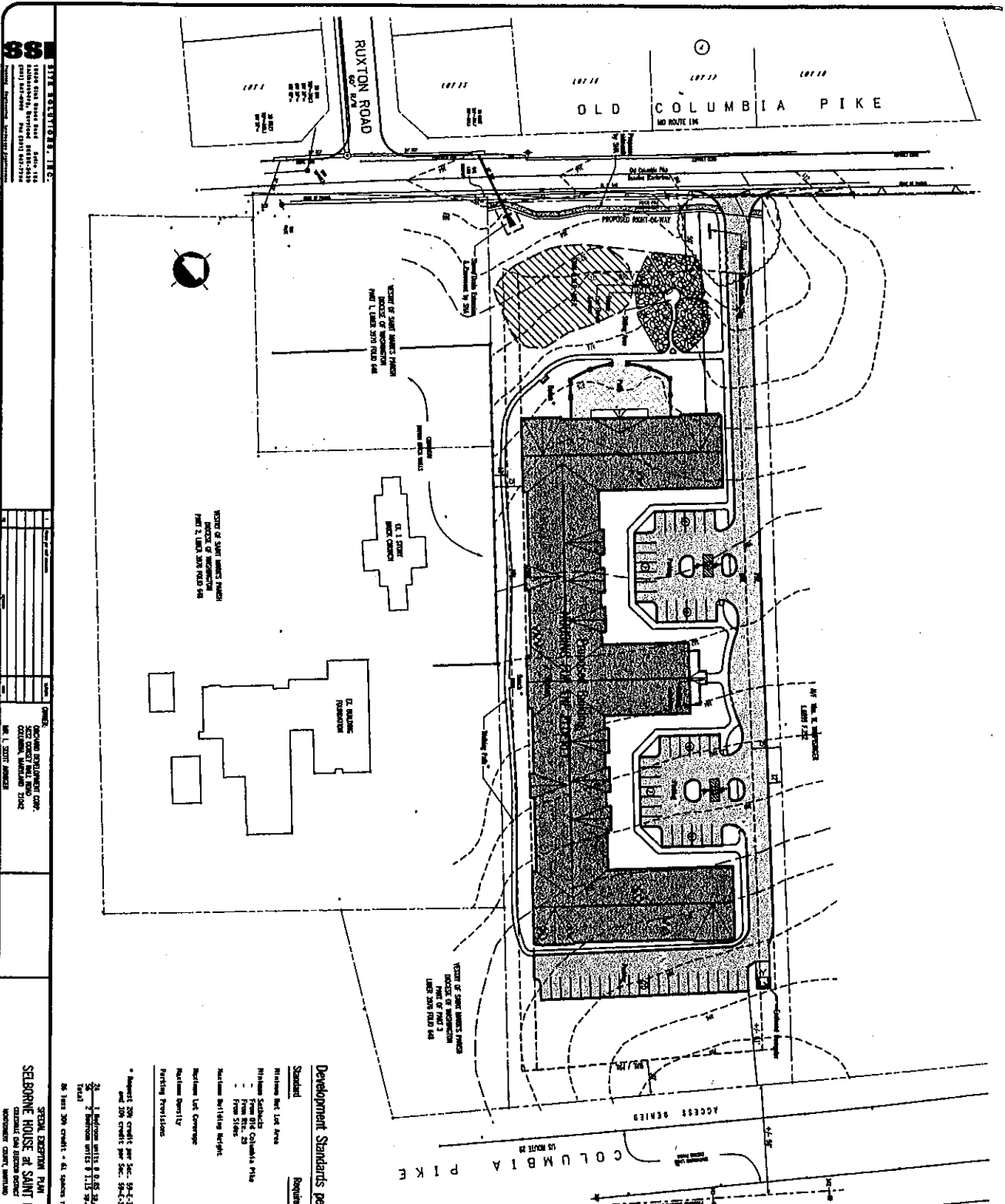
N



Research & Technology Center



1:7200



SITE DATA

1. Zone: R-1 (Residential Single-Family)
2. Property: 1.23 Acres (53,271 sq ft)
3. Zoning: R-1 (Residential Single-Family)
4. Area of Existing Front Street: 132 Feet
5. Property is located in the First District, which is in the Second Precinct.
6. Proposed Land Use: Housing for the Order, C.S. 59-G-235 (C.S. 59-G-235)
7. Area of 100 Year Floodplain: None. Area of Floodplain: None.
8. Surrounding Property: To be provided in accordance with the Ordinance of the Planning Commission.
9. Landscaping and Site Work: To be provided in accordance with the Ordinance of the Planning Commission.
10. Beach: None. Beach and dune work: To be provided in accordance with the Ordinance of the Planning Commission.

Development Standards per Zoning Sect. 59-G-235

Standard	Required / Permitted	Provided
Minimum Lot Area	1.5 acres	4.38 acres
Minimum Setback	50 feet	105 feet
Front Setback	50 feet	125 feet
Side Setback	25 feet	25 feet
Maximum Building Height	30 feet	23.5 feet
Maximum Lot Coverage	25%	25%
Maximum Density	Residential	80 units
Parking Provisions	41 parking spaces	41 parking spaces

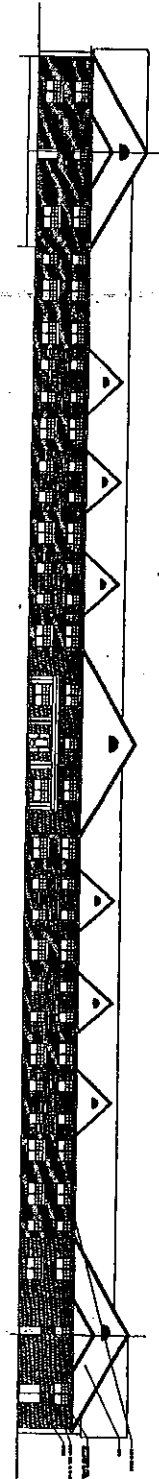
* Request 20% credit per Sec. 59-G-130(1) for inclusion of on-site parking and 10% credit per Sec. 59-G-130(2) for inclusion of on-site parking.

2.1. Minimum width of 11.5 ft. per lot = 11.5 ft. per lot
 2.2. Minimum width of 11.5 ft. per lot = 11.5 ft. per lot
 2.3. Minimum width of 11.5 ft. per lot = 11.5 ft. per lot

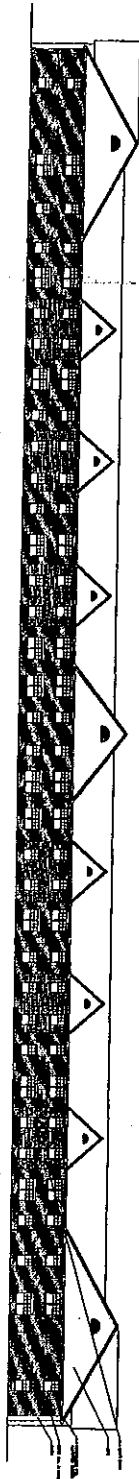
THE ARCHITECTS
 69 EAST 116th STREET
 NEW YORK, N.Y. 10029
 (212) 462-1100
 FAX (212) 462-1101

GENERAL CONTRACTOR
 COLUMBIA UNIVERSITY
 116th STREET
 NEW YORK, N.Y. 10027

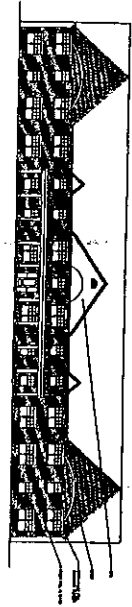
SPECIAL EXHIBIT PLAN
SELBORNE HOUSE AT SAINT MARY'S
 ARCHITECT: COLUMBIA UNIVERSITY



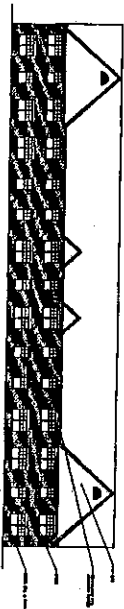
28 NORTH ELEVATION
SCALE: 1/8" = 1'-0"



29 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



30 WEST ELEVATION
SCALE: 1/8" = 1'-0"



31 EAST ELEVATION
SCALE: 1/8" = 1'-0"

SELBORNE HOUSE AT ST. MARK'S

Montgomery County, Maryland

hcm
Hendy O'Connell Architects Inc.
ARCHITECTS
1400 WASHINGTON AVENUE
BETHESDA, MARYLAND 20814

11/14/2008 10:00 AM
11/14/2008 10:00 AM
11/14/2008 10:00 AM

NO.	REVISION	DATE	BY
1	ISSUED FOR PERMIT	11/14/08	hcm
2	REVISION		
3	REVISION		
4	REVISION		
5	REVISION		
6	REVISION		
7	REVISION		
8	REVISION		
9	REVISION		
10	REVISION		

Sheet No. A4.1 of 10
Overall Size: 36" x 48"

R-200

R-90

DEER PARK
(THOMPSON'S
ADD.)

R-90/TDR
PARCEL "A"

W.W. Wimpisinger et. al. Tr
R-200 6999/292
7.26 AC. P.961

C.F. Moore
R-90
5262/341
5.00 Ac.
P.997

R-200

R-90

R-200

R-90

1/4 INCH = 200 FEET

NOTE:
THIS IS A TRUE COPY FROM THE FILES OF
THE MARYLAND - NATIONAL CAPITAL PARK &
PLANNING COMMISSION
DATE: 8/6/2001 BY: *[Signature]*

R-90

IT "D"
ZONING MAP

GRACETEL

Dennis Holden
THE FAIRLAND CITIZENS COALITION
2121 Hidden Valley Lane
Silver Spring, MD 20904

October 4, 2001

Mr. Scott Armiger
Orchard Development Corporation
5032 Dorsey Hall Drive
Ellicott City, MD 21042

- **Subject: Special Exception for Housing Development for the Elderly, S-2487 St. Mark's Church Site, Silver Spring (known as the *Selborne House at St. Mark's*)**

Dear Mr. Arminger:

I am writing in my capacity as President of the **Fairland Citizens Coalition** to convey our support for your proposed elderly housing development on Old Columbia Pike (between Musgrove Road and East Randolph Road), to be named the ***Selborne House at St. Mark's***.

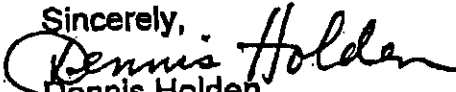
Due in great measure to our productive and cooperative series of meetings held to allow the citizens of our Fairland area (the ***Fairland Master Plan*** area) to review and comment on your plans and objectives in building the elderly housing development, I will state herein that the agreed-upon design, setback, and capacity of the building, including its intended 2-story height, will make this development an important and visually appealing asset to our local community and to the larger Montgomery County community.

Our Fairland community feels that our Master Plan area has taken more than its fair share of affordable housing over the past 10 years (some 30 percent of all such housing that went into Montgomery County). This concern among our citizens, civic leaders, and elected representatives still exists today, and our basic position has been and continues to be that with the current level of abundant affordable housing already existing in the Fairland area, we are not eager to invite an increase above what is projected under the current Master Plan, particularly through the use of Special Exceptions. We do realize that your project, however, provides affordable housing for seniors through a federal tax credit program, rather than through traditional subsidized or County low-income housing. In addition, you and your capable staff, have addressed sufficiently our early-on concerns about the development bringing into the community more non-market rate development, and to do so you have agreed to reserve an specific minimum number of the units for market-rate use.

In addition, the number of meetings we held at your early initiation, prior to your filing for the Special Exception, provided our community a valuable opportunity to clarify the design and other aspects and characteristics of the development in good faith in a spirit of cooperation.

And the project as now proposed, meets the Coalition's concerns and the intent of our Master Plan, which is to preserve the essential residential nature of the Fairland Master Plan area and our Fairland community. In our opinion, your 2-story, eighty-unit design, with an ample reserve of market-value units, is appropriate for our area and your parcel of land. Commenting on the design of the building, please allow me to add that the development design as presented by your very accomplished architect projects a finished development resembling a "French or European country manor" in its specifics and overall projection.

These opinions and positions, as stated above, represent the Fairland Citizens Coalition's support, and my personal support, for your Special Exception application, and we look forward to working with you in the future as your development plans proceed.

Sincerely,

Dennis Holden

12810 Stonecrest Drive
Silver Spring, MD 20904
September 28, 2001

Mr. Scott Armiger
Orchard Development Corporation
5032 Dorsey Hall Drive
Ellicott City, MD 21042

Re: Special Exception for Housing for the Elderly, S-2487
St. Mark's Church Site, Silver Spring

Dear Scott;

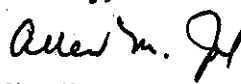
I am writing in my capacity as President of the Stonecrest/Woodcrest Civic Association to indicate our support for the proposed housing development along Old Columbia Pike, Selborne House at St. Mark's. Based on our series of meetings regarding the scale and design of the building, the operation of the facility and the general need for elderly housing in this area, we believe this project will be an asset to the local community.

Our community is concerned with the abundance of affordable housing already existing in the Fairland area and we do not want to see an increase in the affordable housing stock. Although we understand that your project provides affordable housing for seniors through a federal tax credit program rather than traditional subsidized or County low-income housing, the community had concerns about hosting a completely non-market rate development. We are, therefore, pleased that you agreed to reserve a minimum of 25% of the units for market rate rentals.

In addition, I appreciate the number of meetings you initiated with community representatives prior to filing the Special Exception to solicit input on the design to reflect the concerns of the community, particularly regarding the compatibility of the proposed project with the intent of the Eastern Montgomery County Master Plan. The two-story, eighty-unit building is, we believe, appropriate for the area and the surrounding community.

Therefore, please accept this letter of support on behalf of the Stonecrest/Woodcrest Civic Association for the proposed Special Exception. We look forward to a long, rewarding relationship.

Sincerely,


Allen M. Jox

FAIRLAND MASTER PLAN CITIZENS ADVISORY COMMITTEE

September 28, 2001

Mr. Scott Armiger
Orchard Development Corporation
5032 Dorsey Hall Drive
Ellicott City, Maryland 21042

RE: Special Exception for Housing for the Elderly, S-2487
St. Mark's Church Site, Silver Spring

Dear Scott:

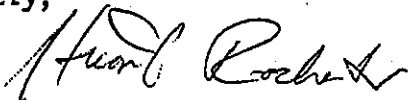
I am writing to reiterate the support of the Fairland Master Plan Citizens Advisory Committee for the proposed elderly housing development on the St. Mark's site on the east side of Old Columbia Pike north of Randolph Road. We believe Selborne House at St. Mark's achieves compatibility with the surrounding single-family residential neighborhood while fulfilling an important community need.

Throughout the master plan process the citizens' committee, as well as planning staff, addressed complicated issues relating to the large amount of subsidized affordable housing in the planning area. We did not want to add to the stock of rentals in particular. Although we understand that your project provides affordable housing for seniors through a federal tax credit program, rather than traditional subsidized or County low-income housing, the community remained concerned about adding a completely non-market rate development. We are, therefore, pleased that you agreed to reserve a minimum of 25% of the units for market rate rentals.

We especially appreciate the number of meetings you initiated with community members prior to filing the Special Exception to solicit input on the design and scale of the building to reflect the concerns of the community. The two-story, eighty-unit building is, we believe, appropriate for the area and the surrounding neighborhood. We remain somewhat concerned about the revised setback on Old Columbia Pike necessitated by the State Highway improvements on US 29, but assuming the site provisions are implemented according to plan, we trust that the distance and screening from the homes across the street on Old Columbia will be adequate.

Please then accept this letter of support on behalf of the Fairland Master Plan CAC for the proposed Special Exception. We look forward to continuing to work with you to insure a successful project.

Sincerely,



Stuart Rochester
Chairman, Fairland Master Plan CAC

Patrick E. Ryan
2438 Hidden Valley Lane
Silver Spring, Md. 20904
March 16, 2001

Mr. Scott Armiger
Orchard Development Corporation
5032 Dorsey Hall Drive
Ellicott City, Maryland 21042

Re: Special Exception for Housing for the Elderly
St. Mark's Church Site, Silver Spring

Dear Scott:

I am writing in my capacity as President of the Oakvale Estates Citizens Association to indicate my support for your proposed elderly housing development along Old Columbia Pike. Based on our series of meetings regarding the scale and design of the building and the representations your company has made, I believe that this development will be an asset to our community.

As a result of input from members of the Fairland community, the proposed building was modified from a three-story, 100-unit building to a two-story, 80-unit, "manor house" style building with two courtyards and a landscaped drive from Old Columbia Pike. You indicated that you will provide approximately 60 parking spaces, as required by Code.

Our community is also concerned with the amount of affordable housing in the Fairland area and does not want to see an increase in the affordable housing stock. Although we understand that your project provides affordable housing for seniors through a federal tax credit program, rather than traditional subsidized or County low-income housing, the community had concerns about hosting a completely non-market rate development. We are, therefore, pleased that you agreed to reserve a minimum of 25% of the units for market rate rentals.

I very much appreciate the responses you made to suggestions made by the community, and hope that this project will be built in the manner you have laid out to us.

Sincerely,


Patrick E. Ryan

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK & PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION8787 Georgia Avenue
Silver Spring, Maryland 20910-3760MEMORANDUM

DATE: November 5, 2001

TO: Greg Russ, Development Review Division

FROM: Sally Roman, Research and Technology Center *SR*

SUBJECT: Orchard Development – Special Exception Petition No. S-2487

Recommendation: Accept the RealPropertyResearchGroup's analysis as demonstrating need for Orchard Development's proposed Selborne House at St. Marks, special exception petition S-2487.

Staff has reviewed the applicant's need study in the context of a recent Council requested study generated by Department of Park and Planning staff, *Need for Housing for Older Adults in Montgomery County*, May 2001. In addition, staff has drawn on many years of experience in reviewing such projects.

The applicant's analysis demonstrates the proximity of the project site to various services and amenities desired by older residents. The project's unit mix, with its emphasis on two-bedroom units, is consistent with the Department of Park and Planning's Research and Technology Center findings about the unit type preferences and needs of older residents. The services to be offered, including van service, educational classes, and regular interaction with children, are desirable and appropriate.

The crucial finding is that there is need for the units to serve citizens of the County with incomes at the targeted levels. Twenty units are designated for very low income households, those at 30 percent of median income; 20 units for almost as low income, households with incomes up to 40 percent of median; and 20 units for households at 50 percent of median. All 60 of these units will serve households whose incomes make it very difficult for them to find appropriate housing. The remaining 20 units will lease at market rents, a small increase in the reasonably well-supplied market rate senior rental stock.

The units targeted for households with incomes of 50 percent of median and below have the greatest needs since few can find housing they can afford in the open market. The housing they do find is not always fully adequate in terms of condition, location, and other arrangements. The affordable units currently in the County's pipeline of approved development are primarily Low Income Housing Tax Credit projects geared toward households at about 60 percent of median. This group is already better served than those below 50 percent of median. The additional 10 percent means that most can afford a number of market choices, albeit not the newest or most luxurious. Only Andrew Kim House is expected to serve the same income range.

The applicant's report of HOC's waiting list for older residents is particularly compelling. If all of the affordable units in the pipeline¹ and Selborne House are built, they will not accommodate all of the households on the waiting list. HOC is not currently building any new senior housing, and subsidized apartment turnover is too slow to absorb a large part of the waiting list. Therefore, this information alone indicates need for the proposed project.

The applicant's penetration analysis is acceptable. Generally, the data used are consistent with Park and Planning data. Assuming 40 percent of income for housing is unfortunate but represents reality for many lower income households. Some of those at the lowest levels, particularly those with incomes at 30 and 40 percent of median income, may be relieved to spend "only" 40 percent of income for housing. The 1997 Census Update Survey shows that more than 18 percent of all renter households headed by someone age 65 and older spend more than 50 percent of income for housing.

A 15 percent penetration rate for senior housing is high but reasonable, given the limited choices for these lower income groups.

¹ The applicant used Park and Planning data for this part of the analysis.